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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/504,812

08/13/2004

Mark Dominic Jackson

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PATENT DEPARTMENT  
MACROVISION CORPORATION  
2830 DE LA CRUZ BLVD.  
SANTA CLARA, CA 95050

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2437

MAIL DATE

DELIVERY MODE

02/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/504,812	<b>Applicant(s)</b> JACKSON ET AL.	
	<b>Examiner</b> MICHAEL PYZOSHA	<b>Art Unit</b> 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 60-62, 64, 69, 71-76 and 89-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-62, 64, 69, 71-76 and 89-92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 60-62, 64, 69, 71-76 and 89-92 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/08/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 60-62, 64, 69, 71-76, and 89-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan (US 5699434) in view of Tanaka et al. (US 4885750).

As per claims 64, 67, and 89-92, Hogan discloses a method of copy protecting an application, where the application is provided by an application file which is to be carried on an optical disc, the application incorporating information and control data, the method comprising: incorporating into the application file, before its application onto an optical disc, DSV data patterns which have been identified as capable of causing DSV problems when encoded onto an optical disc; wherein the DSV data patterns are

incorporated in the application file so they are accessed by a player or reader of the optical disc during use of the application file (see column 6 lines 42-57).

Hogan fails to explicitly disclose that the DSV data patterns are incorporated immediately following at least two headers in the control data of the application file to ensure the DSV data patterns are accesses and wherein information about the size of each header in the control data is modified to include the DSV data patterns.

However, Tanaka et al. teaches placing DSV data patterns in such locations (see column 2 lines 43-54 where information about the size of the header must incorporate the included DSV data patterns to prevent errors).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to place the DSV data patterns of Hogan in the locations taught by the Tanaka et al. system.

Motivation to do so would have been to provide a reliable error correction system.

As per claim 60, the modified Hogan and Tanaka et al. system discloses the information in the application file comprises one or more of: audio data, numerical data, text data, video data, graphics data, program data, animation data, and any other data (see Hogan column 6 lines 42-57).

As per claims 61 and 62, the modified Hogan and Tanaka et al. system discloses the control information includes descriptors of the information and data enabling access to the information (see Hogan column 6 lines 45-48).

As per claim 71, the modified Hogan and Tanaka et al. system discloses the DSV data patterns are chosen to ensure that the DSV has a significant absolute value (see Hogan column 6 lines 40-50).

As per claim 72, the modified Hogan and Tanaka et al. system discloses the DSV data patterns are repeated patterns of values (see Hogan Fig 4 and column 6 lines 42-67).

As per claim 73, the modified Hogan and Tanaka et al. system discloses the size of DSV data patterns is a predetermined amount (see Hogan column 6 lines 58-67)

As per claim 74, the modified Hogan and Tanaka et al. system discloses the DSV data patterns are arranged to produce a DSV which has a rapid rate of change (see Hogan column 6 lines 20-25).

As per claim 75, the modified Hogan and Tanaka et al. system discloses the DSV data patterns are arranged to produce a DSV which has a substantial low frequency component (see Hogan column 6 lines 42-57).

As per claim 76, the modified Hogan and Tanaka et al. system discloses areas of data containing only zeros are incorporated in the application file in one or more areas located before and after areas containing the DSV data patterns (see Hogan column 5 lines 52-63).

As per claim 69, the modified Hogan and Tanaka et al. system fails to explicitly disclose including at least one pointer or offset in the control data which points to the location of the DSV data patterns in the application file. However, Official Notice is taken that at the time of the invention one of ordinary skill in the art would use a pointer

or offset to point to the location of the DSV pattern. Motivation to do so would have been that these are common and well-known methods used.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 60-62, 64, 69, 71-76 and 89-92 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Pyzocha/  
Examiner, Art Unit 2437